

AMENDED IN SENATE MAY 2, 2002

**SENATE BILL**

**No. 1952**

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**Introduced by Senator Figueroa**

**(Coauthors: Senators Johannessen and Polanco)**

*(Coauthors: Assembly Members Aanestad, Correa, and Thomson)*

February 22, 2002

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An act to amend ~~Section 473.1~~ of Sections 144, 473.1, 9663, 9731, 9747, 9765, and 9786 of, and to add Sections 7612, 7746, 9750.5, 9764.1, and 9764.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1952, as amended, Figueroa. Cemetery and Funeral Bureau.

Existing law creates a Joint Legislative Sunset Review Committee and authorizes it to review and evaluate various boards and commissions having duties and responsibilities relating to professions and occupations.

This bill would ~~also~~ provide for the committee review and evaluations of the Cemetery and Funeral Bureau in the Department of Consumer Affairs.

*Existing law provides for the regulation of funeral establishments, embalmers, cemeteries, and crematories by the Cemetery and Funeral Bureau in the Department of Consumer Affairs. Existing law requires a cemetery authority to display and make available to certain consumers, a copy of the consumer guide for funeral and cemetery purchases.*

*The bill would require a cemetery authority to provide a copy of the consumer guide to a consumer prior to drafting a contract for cemetery services.*

*Existing law requires a person who is delinquent in renewing a cemetery license or a crematory license or a cremated remains disposer registration to pay the fee plus an additional 50% of the renewal fee, but no more than the renewal fee plus \$25.*

*This bill would set the delinquency fee at 150% of the timely fee, but not less than the renewal fee plus \$25.*

*Existing law regulates preneed contracts for funeral services, and requires a funeral establishment to file an annual report with the bureau.*

*This bill would require a funeral establishment that is exempt from filing an annual report or whose preneed trust funds are reported in a combined preneed trust report, to file a declaration of nonreporting status each year.*

*The bill would require the bureau to conduct certain studies on 3rd-party casket retailers and report to the department and the Joint Legislative Sunset Review Committee on or before September 1, 2004.*

*Existing law provides for the examination of applicants for a cemetery license or a crematory license by the bureau.*

*The bill would provide that the fee for a crematory manager examination or a cemetery manager examination shall be the actual cost to the bureau.*

*Because a violation of the provisions regulating funeral establishments is a crime, this bill would impose a state-mandated local program by creating a new crime.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.*

*The people of the State of California do enact as follows:*

- 1 SECTION 1. *Section 144 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 144. (a) Notwithstanding any other provision of law, an
- 4 agency designated in subdivision (b) shall require an applicant to
- 5 furnish to the agency a full set of fingerprints for purposes of



1 conducting criminal history record checks. Any agency  
2 designated in subdivision (b) may obtain and receive, at its  
3 discretion, criminal history information from the Department of  
4 Justice and the United States Federal Bureau of Investigation.

5 (b) Subdivision (a) applies to the following boards or  
6 committees:

- 7 (1) California Board of Accountancy.
- 8 (2) State Athletic Commission.
- 9 (3) Board of Behavioral Sciences.
- 10 (4) Court Reporters Board of California.
- 11 (5) State Board of Guide Dogs for the Blind.
- 12 (6) California State Board of Pharmacy.
- 13 (7) Board of Registered Nursing.
- 14 (8) Veterinary Medical Board.
- 15 (9) Registered Veterinary Technician Committee.
- 16 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 17 (11) Respiratory Care Board of California.
- 18 (12) Hearing Aid Dispensers Advisory Commission.
- 19 (13) Physical Therapy Board of California.
- 20 (14) Physician Assistant Committee of the Medical Board of  
21 California.
- 22 (15) Speech-Language Pathology and Audiology Board.
- 23 (16) Medical Board of California.
- 24 (17) State Board of Optometry.
- 25 (18) Acupuncture Board.
- 26 (19) Cemetery and Funeral ~~Programs~~ *Bureau*.
- 27 (20) Bureau of Security and Investigative Services.
- 28 (21) Division of Investigation.
- 29 (22) Board of Psychology.
- 30 (23) The California Board of Occupational Therapy.

31 *SEC. 2.* Section 473.1 of the Business and Professions Code  
32 is amended to read:

33 473.1. This division shall apply to all of the following:

34 (a) Every board, as defined in Section 22, that is scheduled to  
35 become inoperative and to be repealed on a specified date as  
36 provided by the specific act relating to the board.

37 (b) The Bureau for Postsecondary and Vocational Education.  
38 For purposes of this division, “board” includes the bureau.

39 (c) The Cemetery and Funeral Bureau.

1 SEC. 3. Section 7612 is added to the Business and Professions  
2 Code, to read:

3 7612. The bureau shall do all of the following:

4 (a) Conduct a comprehensive study of the need for the  
5 regulation of proprietary employees of religious corporations,  
6 churches, religious societies, and religious denominations.

7 (b) Perform a market assessment to determine the number of  
8 third-party casket retailers and research the number of consumer  
9 complaints filed with the bureau and other government entities.

10 (c) Report to the department and the Joint Legislative Sunset  
11 Review Committee on or before September 1, 2004, on the matters  
12 specified in subdivisions (a) and (b).

13 SEC. 4. Section 7746 is added to the Business and Professions  
14 Code, to read:

15 7746. (a) Notwithstanding any other provision of law, a  
16 funeral establishment that is otherwise exempt from the  
17 requirement of filing an annual preneed trust report or whose  
18 preneed trust funds are reported in a combined preneed annual  
19 preneed trust report, shall annually file a declaration of  
20 nonreporting status with the bureau.

21 (b) The declaration shall be filed on or before May 1 of each  
22 year and shall also be filed upon the transfer of ownership or the  
23 cessation of business.

24 (c) The declaration shall be filed on a form provided by the  
25 bureau and shall include, but shall not be limited to, both of the  
26 following:

27 (1) The basis upon which the funeral establishment is exempt  
28 from the annual trust reporting requirement.

29 (2) The specific kind and nature of the exempt preneed  
30 arrangements, if any, in which the funeral establishment engages.

31 (d) The declaration shall be verified by the funeral  
32 establishment's owner, a partner, or in the case of a corporation,  
33 by the president or vice president.

34 SEC. 5. Section 9663 of the Business and Professions Code is  
35 amended to read:

36 9663. (a) The bureau shall make available to funeral  
37 establishments and cemetery authorities a copy of a consumer  
38 guide for funeral and cemetery purchases for purposes of  
39 reproduction and distribution. The funeral and cemetery guide that  
40 is approved by the bureau, in consultation with the funeral and

1 cemetery industries and any other interested parties, shall be made  
2 available in printed form and electronically through the Internet.

3 (b) A cemetery authority shall prominently display and make  
4 available to any individual who, in person, inquires about funeral  
5 or cemetery purchases, a copy of the consumer guide for funeral  
6 and cemetery purchases, reproduced as specified in subdivision  
7 (a).

8 (c) *Prior to drafting a contract for cemetery services, the*  
9 *cemetery authority shall provide to the consumer, for retention, a*  
10 *copy of the consumer guide for funeral and cemetery purchases*  
11 *specified.*

12 *SEC. 6. Section 9731 of the Business and Professions Code is*  
13 *amended to read:*

14 9731. If a person fails to apply for a *license* renewal of his or  
15 her license prior to midnight of June 30th of the year for which the  
16 license was issued, no renewal license shall be issued to him or her  
17 except upon payment of the *delinquent* renewal fee for the license,  
18 plus 50 percent of the renewal fee, but not more than the renewal  
19 fee plus twenty-five dollars (\$25) required under Section 9750.5.

20 No person who fails to renew his or her license within one year  
21 of the expiration date can engage in any of the activities authorized  
22 by such a license unless he or she first files the application required  
23 for an original license, pays the original license fee, and otherwise  
24 complies with all of the provisions of this act pertaining to the  
25 issuance of an original license.

26 *SEC. 7. Section 9747 of the Business and Professions Code is*  
27 *amended to read:*

28 9747. If a person fails to apply for renewal of his or her  
29 cremated remains disposer registration prior to midnight of  
30 September 30th of the year for which the registration was issued,  
31 no renewal shall be issued except upon payment of an amount  
32 equal to the renewal fee plus 50 percent of the *delinquent* renewal  
33 fee, but not more than the renewal fee plus twenty-five dollars  
34 (\$25) required under Section 9750.5.

35 *SEC. 8. Section 9750.5 is added to the Business and*  
36 *Professions Code, to read:*

37 9750.5. *The delinquent renewal fee for a license, registration,*  
38 *or certificate of authority under this chapter shall be 150 percent*  
39 *of the timely fee, but not less than the renewal fee plus twenty-five*  
40 *dollars (\$25).*

1 SEC. 9. Section 9764.1 is added to the Business and  
2 Professions Code, to read:

3 9764.1. The fees for a crematory manager examination shall  
4 be the actual cost to the bureau for developing, purchasing,  
5 grading, and administering the examination.

6 SEC. 10. Section 9764.2 is added to the Business and  
7 Professions Code, to read:

8 9764.2. The fee for a cemetery manager examination shall be  
9 the actual cost to the bureau for developing, purchasing, grading,  
10 and administering the examination.

11 SEC. 11. Section 9765 of the Business and Professions Code  
12 is amended to read:

13 9765. Every cemetery authority operating a cemetery shall  
14 pay an annual regulatory charge for each cemetery to be fixed by  
15 the bureau at not more than four hundred dollars (\$400). In  
16 addition to an annual regulatory charge for each cemetery, an  
17 additional quarterly charge of not more than eight dollars and fifty  
18 cents (\$8.50) for each burial, entombment, or inurnment, and not  
19 more than eight dollars and fifty cents (\$8.50) for each cremation  
20 made during the preceding quarter shall be paid to the department  
21 and these charges shall be deposited in the Cemetery Fund. If the  
22 cemetery authority performed the cremation and either the burial,  
23 entombment, or inurnment, the total of all additional charges shall  
24 be not more than eight dollars and fifty cents (\$8.50).

25 ~~Notwithstanding any other provision of law, including any~~  
26 ~~provision contained in the Budget Act of 1996, this section shall~~  
27 ~~remain in effect until the loans authorized by Chapter 38, Statutes~~  
28 ~~of 1996, and by Chapter 162, Statutes of 1996, are repaid, with~~  
29 ~~interest at the rate accruing to moneys in the Pooled Money~~  
30 ~~Investment Account, but no later than April 1, 2003, pursuant to~~  
31 ~~a loan repayment plan approved by the Department of Finance.~~

32 SEC. 12. Section 9786 of the Business and Professions Code  
33 is amended to read:

34 9786. Every crematory licensee operating a crematory  
35 pursuant to a license issued in compliance with this article shall  
36 pay an annual regulatory charge for each crematory, to be fixed by  
37 the bureau at not more than four hundred dollars (\$400). In  
38 addition to an annual regulatory charge for each crematory, every  
39 licensee operating a crematory pursuant to a license issued  
40 pursuant to this article shall pay an additional charge of not more

1 than eight dollars and fifty cents (\$8.50) per cremation made  
2 during the preceding quarter, which charges shall be deposited in  
3 the Cemetery Fund.

4 ~~Notwithstanding any other provision of law, including any~~  
5 ~~provision contained in the Budget Act of 1996, this section shall~~  
6 ~~remain in effect until the loans authorized by Chapter 38, Statutes~~  
7 ~~of 1996, and by Chapter 162, Statutes of 1996, are repaid, with~~  
8 ~~interest at the rate accruing to moneys in the Pooled Money~~  
9 ~~Investment Account, but no later than April 1, 2003, pursuant to~~  
10 ~~a loan repayment plan approved by the Department of Finance.~~

11 *SEC. 13. No reimbursement is required by this act pursuant*  
12 *to Section 6 of Article XIII B of the California Constitution*  
13 *because the only costs that may be incurred by a local agency or*  
14 *school district will be incurred because this act creates a new crime*  
15 *or infraction, eliminates a crime or infraction, or changes the*  
16 *penalty for a crime or infraction, within the meaning of Section*  
17 *17556 of the Government Code, or changes the definition of a*  
18 *crime within the meaning of Section 6 of Article XIII B of the*  
19 *California Constitution.*